

REMARKS

Claims 1-28 are pending. Claims 2, 11-18 and 20-27 are withdrawn from consideration as directed to non-elected, restricted group. Claims 1, 3-10, 19 and 28 are rejected as follows: claims 3-4, 7-8 and 10 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claim 10 as well as the drawings are objected to for minor errors. Applicant amends claims 3 and 10 in this response. Applicant also amends the drawings in this response. No new matter has been added.

Applicant traverses the Examiners rejections as set forth below.

Objection to the Claims

The Examiner objects to claim 10 because of alleged informalities. Applicant has amended claim 10 to address the Examiner's objection. Accordingly, Applicant kindly requests the withdrawal of this objection.

Objection to the Drawings

The Examiner objected to the drawings for minor errors in the figures as labeled. Applicants have amended the drawings to address the Examiner's objection and submit the requisite Replacement Sheets herewith. Accordingly, Applicant kindly requests the withdrawal of this objection.

35 U.S.C. §112, Second Paragraph

The Examiner rejects claims 3-4, 7-8 and 10 under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the invention. The Applicant respectfully traverses these rejections.

Specifically, the Examiner rejects the language used in claims 7 and 10 as indefinite, stating "the specification does not clearly redefine the term." Applicant offers that one skilled in the art would not find the language of claims 7 and 10 indefinite.

Adequate support for the terms of the claims is found throughout the specification as previously filed.

The Examiner rejects to claim 4 as appearing “contradictory” and “confusing.” Applicant offers that one skilled in the art would not find the language of claim 4 indefinite. Adequate support for the terms of the claim is found throughout the specification as previously filed.

The Examiner rejects to claim 3 as having insufficient antecedent basis. The Applicant has added appropriate amendment to claim 3 to satisfy the statutory requirement.

The Examiner rejects claims 4 and 8 as being unclear. Applicant offers that one skilled in the art would not find the language of claims 4 and 8 indefinite. Adequate support for the terms of the claims is found throughout the specification as previously filed.

The Examiner rejects claim 10 as being unclear in determining the meaning of “monoalkylethers thereof.” Applicant offers that one skilled in the art would not find the language of claim 10 indefinite. Adequate support for the terms of the claim is found throughout the specification as previously filed.

Applicant asserts that the language of the claims is clear such that the claims would be understood by one skilled in the art. As noted above, the specification provides the necessary support to clarify the intended meaning of the claim language. Accordingly, Applicant kindly requests that the rejection of claims 3-4, 7-8 and 10 under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

35 U.S.C. §103

The Examiner rejects claims 1, 3-10, 19 and 28 under 35 U.S.C. §103(a) as allegedly unpatentable in view of U.S. Patent No. 5,506,300 to Ward et al. (“Ward”) in view of Patent Abstracts of Japan 04-0414116 to Tatsuro (“Tatsuro”), U.S. Patent No. 3,579,630 to Herz et al. (“Herz”), WO99/42528 to Lendlein et al. (“Lendlein A”), Proceedings of the National Academy of Sciences 2001 98:842-847 to Lendlein et al.

("Lendlein B") and U.S. PGPub No. 2008/0057021 to Dykstra et al. ("Dykstra") (all references collectively referred to as "the cited references"). Applicant respectfully traverses these rejections.

Applicant respectfully submits that one skilled in the art would not have combined the references as cited by the Examiner. Further, the combination of the references fails to teach every element as presently claimed. Specifically, one skilled in the art would not have considered the teachings or suggestions of Ward alone or in combination with the other cited references. Ward is directed at making and using a composition for use in conjunction with toys and toy components. (*see* Abstract) The Examiner cites the use of the composition in Ward on the synthetic hair of a doll as rendering the use on natural hair obvious. Applicant disagrees with this assertion. Applicant offers that there are inherent differences between the composition of the synthetic fibers of a dolls hair and the composition of natural hair. Therefore, it is not necessarily the case that a composition used on synthetic hair would render its use on natural hair as obvious. Accordingly, without an appropriate teaching or suggestion, one skilled in the art would not have looked to Ward to solve the problems presented in the present application.

Further, Ward alone or in combination does not render the present claims as obvious. Ward fails to teach or suggest every element of the present claims. The Examiner acknowledges that Ward fails to teach the application of a polymer composition to hair. The deficiencies of Ward are not cured by the combinations of the teachings of Tatsuro, Herz, Lendlein A, Lendlein B, or Dykstra alone or in combination with each other. Accordingly, the Examiner has failed to meet the burden necessary to uphold a rejection for obviousness. Accordingly, in view of the arguments presented herein, Applicant kindly requests the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

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Double Patenting

Claims 1, 3-10, 19 and 26 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1-10 and 15 of co-pending Application No. 10/510,873. The Applicant will consider filing a terminal disclaimer as suggested by the Examiner when allowable subject matter has been indicated.

Conclusion

In view of the arguments and amendments presented herein, Applicants kindly requests reconsideration of the objections and rejections to the pending claims.

Other than extension fees to be charged to Kalow & Springut's credit card, no additional fee is believed to be due with respect to filing this amendment. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,

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